COUNTY OF ALBEMARLE PLANNING
STAFF REPORT SUMMARY

Proposal: ZTA202300006, WPTA202300003, STA202300003, OTA202400002 Riparian Buffer Protection Standards	**Staff:** Scott Clark, Frank Pohl
Planning Commission Public Hearing: January 27, 2026	**Board of Supervisors Hearing:** Not yet scheduled

Proposal: To establish performance standards for vegetation management and land uses within riparian buffers. The proposed amendment:

- Establishes the powers and duties of the Riparian Buffer Administrator.
- Defines the boundaries of the riparian buffers (the same as currently defined in the Water Protection Ordinance).
- Sets requirements for submittal of site-specific determinations of riparian buffer boundaries.
- Sets general performance criteria for vegetation management in the buffers.
- Lists the uses that are permitted in the riparian buffers, and those that are permitted only by Riparian Buffer Administrator approval, subject to a mitigation plan.
- Sets the requirements for form, content, and bonding of mitigation plans.
- Specifies procedures for special exceptions

RECOMMENDATIONS: Staff recommends that the Planning Commission support these text amendments and recommend approval to the Board of Supervisors.

STAFF CONTACT: Scott Clark
PLANNING COMMISSION: January 27, 2026
BOARD OF SUPERVISORS: Not yet scheduled

PETITION: ZTA202300003, WPTA202300003, STA202300003, OTA202400002 Riparian Buffer Protection Standards

ORIGIN: Resolution by the Board of Supervisors

PROPOSAL: To adopt regulations for riparian buffers in the Zoning Ordinance, to replace the existing regulations in the Water Protection Ordinance

PUBLIC PURPOSE TO BE SERVED: A riparian buffer is an area of vegetation adjacent to a stream, wetland, reservoir, or pond. A healthy buffer contains natural vegetation for a set distance from the water body. This vegetation filters and cleans the water runoff and thus 'buffers' the water from human impacts, providing numerous benefits and services to people and the environment.

The current riparian buffer protections in the Water Protection Ordinance (WPO) only apply to regulated land disturbances of 10,000 square feet or more. Vegetation removal and development within the buffers below this threshold can impact surface water quality without regulation by the WPO. The proposed regulations are intended to protect water quality while specifying uses that are permitted within the riparian buffers, including those that require approval by the Riparian Buffer Administrator and mitigation of their impacts.

BACKGROUND: In December 2021, the Board of Supervisors accepted the Phase 2 recommendations of the Stream Health Initiative (SHI), which included a total of 14 programs and regulations to improve water quality and stream health in the County. Recommendation #1 from the SHI, and the first SHI project undertaken by the County, was a proposal to move the County's existing riparian-buffer regulations from the WPO to the Zoning Ordinance (ZO). On March 16, 2022, the Board adopted a Resolution of Intent to undertake that ordinance amendment. On November 26, 2024, staff held a work session with the Planning Commission on the draft ordinance amendment (Attachment C).

The intent of this amendment is to replace the riparian buffer regulations adopted in 2014, which apply only during land disturbance activities. The proposed amendment would move the Riparian Buffer Protection Standards (RBPS) to the ZO and would apply to all uses within the defined buffers, while still exempting agricultural and silvicultural uses. This amendment would make the County's buffer regulations more like those in effect prior to 2014. The physical extent of the riparian buffers would not change from the current WPO definitions. Rather than following the original "overlay district" approach, the proposed amendment would establish "protection standards" in Section 4 ("General Regulations") of the ZO. This approach resolves difficulties in accurately enforcing riparian-buffer regulations caused by the lag between movements in stream systems and the updating of zoning maps, and by incomplete stream mapping. Staff's research has found that most Virginia localities that have riparian-buffer regulations have chosen this performance-standard approach over the zoning-overlay approach.

SUMMARY OF THE PROPOSED ORDINANCE:

The proposed new RBPS (Attachment A) is structured as follows:

- Revocations: removing Article VI of the WPO ("Stream buffers"), as well as section 17-406, regarding mitigation plans. All of these topics would now be addressed in the

new Zoning section 4.23 (summarized below).

- Amendments:
  - Zoning Ordinance:
    - Section 3.1 includes new and revised definitions needed for this amendment.
    - Sections 4 (General Regulations), 5 (Supplemental Regulations), and 30 (Overlay Districts) include text changes for consistency with the addition of section 4.23.
  - Non-zoning Ordinances (Health & Safety, Subdivision, Water Protection, and Acquisition of Conservation Easements ordinances) include amendments for consistency with the addition of section 4.23.
- Additions: The proposed new section 4.23 for the ZO (Chapter 18) is the proposed addition for RBPS, and would include the following sections:

4.23.1	Lays out the purpose and intent of the proposed new ordinance.
4.23.2	Addresses the applicability of this section, non-conforming uses, and existing structures.
4.23.3	Establishes the powers and duties of the Riparian Buffer Administrator (the County Engineer or their designee), who can enforce this section in conjunction with the Zoning Administrator.
4.23.4	Defines the boundaries of the riparian buffers, which are proposed to be the same as in the current WPO.
4.23.5	Sets requirements for the submittal of site-specific determinations of the riparian buffer boundaries. It also establishes that site-specific evaluations of boundaries are subject to Riparian Buffer Administrator approval and requires such evaluations to be stamped by a relevant professional.
4.23.6	Sets general performance criteria for vegetation management in the buffers. (Note that these criteria would apply throughout the County's riparian buffers, rather than only applying to regulated land disturbance activities as in the current WPO.) In general, this section establishes that native buffer vegetation must not be removed, and that disturbances from any permitted uses in the buffers (see 4.23.7 and 4.23.8) must be minimized. Item 2 in the proposed amendments to the Engineering Design Standards Manual (Attachment B) is a table designed to help staff provide landowners with consistent guidance regarding permitted vegetation changes and vegetation-management regimes within the riparian buffers.
4.23.7	Lists the uses that are permitted in the riparian buffers. These include agriculture, forestry, utilities, water-dependent facilities, passive-recreation facilities, historic preservation and archaeological activities, and buffer plantings. Most of these uses have relevant standards for limiting their impacts on buffers and buffer vegetation.
4.23.8	Lists uses that are permitted only when approved by the Riparian Buffer Administrator. These uses would require approval of a mitigation plan.
4.23.9	Sets the requirements for form, content, and bonding of mitigation plans required by section 4.23.8 above.
4.23.10	This section specifies the process for requests to the Board of Supervisors for special exceptions.

The ordinance amendments would be accompanied by updates to the Albemarle County Design Standards Manual, as shown in Attachment B, that provide guidance to staff and residents on landcover management, species selection (requiring appropriate native species), and planting standards.

ANALYSIS OF THE PROPOSED ZONING TEXT AMENDMENT

Zoning Ordinance section 33.6(B) establishes factors to be reasonably considered by the Planning Commission and Board of Supervisors in the review of ZTAs. Each factor is reviewed below:

(i) the existing use and character of property
The proposed RBPS ordinance would not change the use of individual properties, or the overall pattern of land uses in the County. The ordinance is focused on the protection of existing native vegetation within portions of properties identified as buffers.

(ii) the comprehensive plan
Objective 1 of the 2015 Comprehensive Plan states that the County should "[e]nsure clean and abundant water resources for public health, business, healthy ecosystems, and personal enjoyment by preventing shortages and contamination." The proposed RBPS ordinance would help to meet this objective by applying water-quality buffer protection to all identified buffers in the County, rather than only those affected by regulated land-disturbance activities of 10,000 square feet or more.

(iii) the suitability of property for various uses
The proposed RBPS ordinance would not change the overall uses possible on a property under the ZO, but would only establish performance standards for the portions of properties within the designated buffers.

(iv) the trends of growth or change
As the County's water needs increase with increasing population, and as climate change leads to more extreme rain events, the protection of riparian-buffer vegetation will be important to public water supplies and to stream-health values identified as important in the Comprehensive Plan.

(v) the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies
The RBPS standards would add water-quality protections called for in the Comprehensive Plan and the SHI, while allowing current and future zoning of individual properties to determine actual uses.

(vi) the transportation requirements of the community
The proposed ordinance accommodates transportation requirements by allowing for public roads and other transportation improvements by-right (4.23.7), and for stream crossings for private roads and driveways by RBA approval with a mitigation plan (4.23.8).

(vii) the requirements for airports, housing, schools, parks, playgrounds, recreation areas, and other public services
Public uses are permitted either within the categories of permitted by-right uses (4.23.7), or with mitigation plans (4.23.8) if not specifically listed in 4.23.7.

(viii) the conservation of natural resources
The proposed RBPS ordinance directly addresses the conservation of natural resources by increasing water-quality buffer protections on streams. These protections are intended to protect drinking-water quality, in-stream habitat, and

the extent of native vegetation along streams, which also provides wildlife habitat.

(ix) the preservation of flood plains
In the Rural Areas, both the existing WPO buffers and the proposed RBPS buffer requirements extend to the limit of the 100-year floodplain. Thus, the vegetation-management requirements (proposed section 4.23.6) and mitigation requirements for permitted uses (4.23.8, 4.23.9) would increase protections for floodplains.

(x) the protection of life and property from impounding structure failures
Riparian buffers do not directly affect impounding structures. However, limiting structures in buffers and floodplains can help to reduce the risks from impounding-structure failures.

(xi) the preservation of agricultural and forestal land
Protection of riparian buffers does not increase development impacts on farms or forestry land. Agriculture and forestry would be permitted within the riparian buffers.

(xii) the conservation of properties and their values
The RBPS would not create new impacts on properties adjacent to individual properties that include buffers. Protection of buffer vegetation can reduce impacts of floods on downstream properties.

(xiii) the encouragement of the most appropriate use of land throughout the County
The proposed RBPS ordinance would not change overall land-use designations in the Rural Area or in the Development Areas. Land-use patterns would remain as designated in the Comprehensive Plan, while the portions of properties within the buffer areas would be regulated to protect water quality.

(xiv) equity
This proposed ordinance reflects the recommendations of the SHI, which included extensive stakeholder involvement and focused on community-wide water-quality protection.

This ordinance has also been reviewed by the three (3) criteria previously established by the Board for amendments:

Administration/Review Process: Proposed sections 4.23.7 and 4.23.8 describe the review process for projects within the buffers in detail. The increased clarity of the regulations will result in more consistent administration and efficient review.

Housing Affordability: The proposed ordinance does not impact housing affordability, as the extent of the buffers is not increased from those currently regulated by the WPO.

Implications to Staffing/Staffing Costs: If the draft ordinance is adopted, existing Zoning and Engineering staff will be used to initially implement the new ordinance. Then, based upon work levels observed during the first year, staff will evaluate whether additional personal or resources are needed.

RECOMMENDED ACTION

Staff recommends the Planning Commission support these text amendments and recommend approval to the Board of Supervisors.

ATTACHMENTS

Attachment 1 – ZTA202300006, WPTA202300003, STA202300003, OTA202400002 Riparian Buffer Protection Standards – Proposed Ordinance
Attachment 2 – ZTA202300006, WPTA202300003, STA202300003, OTA202400002 Riparian Buffer Protection Standards – Design Standards Manual Additions